

Public Order Regulations (October 16, 1970)

Issued by the Canadian Government

Under the authority conferred by the War Measures Act

Whereas it continues to be recognized in Canada that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And whereas there is in contemporary Canadian society an element or group known as Le Front de Liberation du Quebec who advocate the use of force or the commission of crime as a means of or as an aid in accomplishing a governmental change within Canada and who have resorted to the commission of serious crimes including murder, threat of murder and kidnapping;

And whereas the government of Canada desires to ensure that lawful and effective measures can be taken against those who thus seek to destroy the basis of our democratic governmental system on which the enjoyment of our human rights and fundamental freedoms is founded and to ensure the continued protection of those rights and freedoms in Canada.

Therefore, His Excellency the Governor-General-in-Council, on the recommendation of the prime minister, pursuant to the War Measures Act is pleased hereby to make the annexed regulations to provide emergency powers for the preservation of public order in Canada.

REGULATIONS TO PROVIDE EMERGENCY POWERS FOR THE PRESERVATION OF PUBLIC ORDER IN CANADA

Short Title

1 . These regulations may be cited as the Public Order Regulations, 1970.

Interpretation

2. In these regulations,

"communicate" includes the act of communicating by telephone, broadcasting or other audible or visible means;

"peace officer" means a peace officer as defined in the Criminal Code and includes a member of the Canadian Armed Forces;

"statements" includes words spoken or written or recorded electronically or electromagnetically or otherwise. and gestures, signs or other visible representations; and

"the unlawful association" means the group of persons or association declared by these regulations to be an unlawful association.

3. The group of persons or association known as Le Front de Libération du Québec and any successor group or successor association of the said Le Front de Libération du Québec or any group of persons or association that advocates the use of force or the commission of crime as a means of or as an aid in accomplishing governmental change within Canada is declared to be an unlawful association.

4. A person who

- a. is or professes to be a member of the unlawful association,
- b. acts or professes to act as an officer of the unlawful association,
- c. communicates statements on behalf of or as a representative or professed representative of the unlawful association,
- d. advocates or promotes the unlawful acts, aims, principles or policies of the unlawful association,
- e. contributes anything as dues or otherwise to the unlawful association or to anyone for the benefit of the unlawful association
- f. solicits subscriptions or contributions for the unlawful association, or
- g. advocates, promotes or engages in the use of force or the commission of criminal offences as a means of accomplishing a governmental change within Canada is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

5. A person who, knowing or having reasonable cause to believe that another person is guilty of an offence under these regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

6. An owner, lessee, agent or superintendent of any building, room, premises or other place who knowingly permits therein any meeting of the unlawful association or any branch, committee or members thereof, or any assemblage of persons who promote the acts, aims, principles or policies of the unlawful association is guilty of an indictable offence and liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding five years or to both.

7. 1 .A person arrested for an offence under section 4 shall be detained in custody without bail pending trial unless the attorney-general of the province in which the person is being detained consents to the release of that person on bail.

2. Where an accused has been arrested for an offence under these regulations and is detained in custody for the purpose only of ensuring his attendance at the trial of the charge under these regulations in respect of which he is in custody and the trial has not commenced within ninety days from the time he was first detained, the person having the custody of the accused shall, forthwith upon the expiration of such ninety days, apply to a judge of the superior court of criminal jurisdiction in the province in which the accused is being detained to fix a date for the trial and the judge may fix a date for the beginning of the trial or give such directions as he thinks necessary for expediting the trial of the accused.

8. In any prosecution for an offence under these regulations, evidence that any person

- a. attended any meeting of the unlawful association,
- b. spoke publicly in advocacy for the unlawful association, or
- c. communicated statements of the unlawful association as a representative or professed representative of the unlawful association is, in the absence of evidence to the contrary, proof that he is a member of the unlawful association.

9. 1 . A peace officer may arrest without warrant

- a. a person who he has reason to suspect is a member of the unlawful association; or
- b. a person who professes to be a member of the unlawful association; or
- c. a person who he has reason to suspect has committed, is committing or is about to commit an act described in paragraphs b. to g. of section 4.

2. A person arrested pursuant to subsection 1 shall be taken before a justice having jurisdiction and charged with an offence described in section 4 not later than seven days after his arrest, unless the attorney-general of the province in which the person is being detained has, before the expiry of those seven days, issued an order that the accused be further detained until the expiry of a period not exceeding twenty-one days after his arrest, at the end of which period the person arrested shall be taken before a justice having jurisdiction and charged with an offence described in section 4 or released from custody.

10. A peace officer may enter and search without warrant any premises, place, vehicle, vessel or aircraft in which he has reason to suspect

- a. anything is kept or used for the purpose of promoting the unlawful acts, aims, principles or policies of the unlawful association;
- b. there is anything that may be evidence of an offence under these regulations;
- c. any member of the unlawful association is present; or
- d. any person is being detained by the unlawful association.

11. Any property that a peace officer has reason to suspect may be evidence of an offence under these regulations may, without warrant, be seized by a peace officer and held for ninety days from the date of seizure or until the final disposition of any proceedings in relation to an offence under these regulations in which such property may be required whichever is the later.

12. These regulations shall be enforced in such manner and by such courts, officers and authorities as enforce indictable offences created by the Criminal Code.